

OPINION
55-34

March 23, 1955 (OPINION)

COUNTIES

RE: Fire Equipment - Participation in Fire Insurance Premium
Refund Program

In your letter of March 14, 1955, you ask whether a county can acquire fire equipment under section 18-0707 of the 1943 North Dakota Revised Code, and use same to participate in the fire insurance premium refund law. (Section 18-0405 N.D.R.C. 1943)

Section 18-0707 provides that a board of county commissioners may provide from the fire break fund such tools and appliances as may be necessary to aid and assist in making firebreaks to prevent the spread of prairie fires.

Chapter 18-04 of the North Dakota Revised Code of 1943 and amendments found in the 1953 Supplement to the North Dakota Revised Code of 1943 deal with the distribution of insurance tax to fire departments. Cities, villages and rural departments are eligible to participate. The law provides that to become eligible a city, village or one or more townships shall maintain therein a fire department for a period of at least eight months prior to filing their certificate and have at least one steam, hand or other fire engine, truck or hose cart, and have a membership of fifteen persons and must be a member of the North Dakota Firemen's Association. No provision is made for eligibility of counties and it is therefore our opinion that counties are excluded from participating in the benefits of the fire insurance premiums refund law and cannot qualify although they have purchased equipment to prevent spread of prairie fires.

LESLIE R. BURGUM

Attorney General